

UNITED STATES DISTRICT COURT
for the
District of South Carolina

United States of America

v.

Mark Anthony Lincoln

Case No: 4:03-cr-00751-TLW

USM No: 61805-053

Date of Original Judgment: 03/16/2005

Date of Previous Amended Judgment: 03/03/2009

(Use Date of Last Amended Judgment if Any)

William F. Nettles IV

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of _____ months **is reduced to** _____.

(Complete Parts I and II of Page 2 when motion is granted)

The Court concludes that Defendant is eligible for relief under Amendment 782. However, in exercising its discretion under § 3582(c)(2), the Court concludes that his sentence should not be reduced. This conclusion is based on a consideration of relevant caselaw and the factors set forth in Application Note 1(B) of § 1B1.10 (including the § 3553(a) factors), including his prison disciplinary history, which included him assaulting another inmate with a lock in a sock; and public safety considerations based on the amount of drugs for which he was held accountable and his extensive, violent prior criminal history, which included a robbery, an assault (with a knife), and multiple drug offenses. See *United States v. Smalls*, 720 F.3d 193, 195 (4th Cir. 2013); *United States v. Legree*, 205 F.3d 724, 727 (4th Cir. 2000).

Except as otherwise provided, all provisions of the judgment dated 03/03/2009 shall remain in effect.

IT IS SO ORDERED.

Order Date: 07/02/2015

s/ Terry L. Wooten

Judge's signature

Effective Date: _____
(if different from order date)

Terry L. Wooten, Chief United States District Judge

Printed name and title